

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORGLANIA R. MORONTA PEREZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 20-CV-6561 (RA)

ORDER ADOPTING  
REPORT & RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

On August 18, 2020, Orglenia R. Moronta Perez filed this action seeking judicial review of a decision by the Social Security Administration denying her application for disability insurance and supplemental security income benefits. On February 11, 2022, the parties stipulated that the action be remanded to the Commissioner of Social Security for further administrative proceedings under 42 U.S.C. § 405(g). *See* Dkt. 31. Moronta Perez then filed a motion seeking attorney fees under 42 U.S.C. § 406(b) pursuant to a contingency fee agreement with her counsel, which entitled him to twenty-five percent of her past-due benefits. *See* Dkt. 40. In February 2025, Magistrate Judge Aaron issued a report & recommendation (the “Report”) recommending that Moronta Perez’s motion be granted. *See* Dkt. 48. Neither party objected to the Report.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s proposed findings and recommendations “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, 2015 WL 6123563, at \*1 (S.D.N.Y. Oct. 16, 2015)


(quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009).

No objections to Judge Aaron’s Report were filed here, so the Court reviews it for clear error. After careful consideration of the record, the Court finds no error and thus adopts the well-reasoned Report in its entirety. Accordingly, the motion for attorney fees is GRANTED, and Moronta Perez’s counsel shall receive \$26,082.00 in fees pursuant to their fee agreement entitling him to twenty-five percent of her past-due benefits. Counsel shall also refund to Moronta Perez the \$8,750.00 in fees he previously received under the Equal Access to Justice Act (“EAJA”). *See* Dkt. 39.

The Clerk of Court is respectfully directed to terminate the motion pending at docket number 40 and close this case.

SO ORDERED.

Dated: April 4, 2025  
New York, New York



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Ronnie Abrams  
United States District Judge